1858-003 Chancery Causes: John Roach vs. Henry C. Slemp &c
Lee Co.

Gilley, Gilley

CA - Debt
T - Property

To the Honorable Samuel V Fulkerson, Judge of the circuit court of Lee County,- The Petition of John Roach of said County respectfully represents that heretofore towit on the day of 1858 one Henry C Slimp for the benefit of Joseph Gilley brought his action at law in the County court of Lee County against one Wm J & Dale C Legg and at the Quarterly term of said court 1858 the said Slimp for the benefit as aforesaid obtained a judgment at law in said court against said Wm J & Dale C Legg for the sum of about $127.50, Whereupon an execution has since issued from the clerks office of said court against said Wm J & Dale C Legg for the amount of said judgment interest & Costs as aforesaid Which execution was placed in the hands of A R Russell deputy for J H Allen Sheriff of said County; Who has levied said execution on two fields of corn situated in said County in the Wild cat Valley & Containing about 20 acres, & supposed to contain about Six hundred bushels of corn, as the property of said Wm J & Dale C Legg to satisfy the aforesaid execution,- Your Petitioner Would Moreover State that on the day of 1858 he became the purchaser of the one third of the said two fields of corn it being the said Dale C's Share in said fields of corn, & bound himself to pay executions in favour of John C Olinger &c vs said Dale C the price agreed upon for said 1/3 of two fields of corn levied on as aforesaid, ~~and Sheriff~~ Which purchase Was made by your Petitioner before said execution in favour of Slimp for Gilley Was obtained & before the same Went into the hands of said Sheriff for Collection; Your Petitioner believes his said 1/3 of said two fields of corn Will number near 200 bushels Which he believes to be Worth $65- Your Petitioners prayer therefore is that as there is no County court in said County until after the day of Sale of said property. That your Honor Will grant a Suspending order in said case prohibiting said Sheriff & all others Concerned from making Sale of the 1/3 of the two fields of corn until your Petitioners Right to said property can be tried thereto in the circuit court

of Lee County— your Petitioner is also informed and
believes that an endemnifying bond is already given or will
be given by the aforesaid parties (Plfs) and that said Sheriff
will make Sale of the same on the 27th day of October 1858
at which time he has advertised the same for sale; unless your
Honor interpose and grant relief in the premises

your petitioners prayer thereon is that your
Hon will grant the relief here sought— Suspending
the Sale of said property as aforesaid until his said right
thereto can be legally investigated. & that said Sheriff & Clerk
of the County court of Lee & said Slemp & Gilley be
prohibited from all further proceedings upon said execution
until your petitioners said right to said property levied
on as aforesaid can be legally investigated in said
Circuit Court of Lee County; And that your
Hon moreover direct that the said Clerk of the
County court of said County as well as the said Sheriff
Russell and the said A Lee Slemp & Joseph Gilley
be Summoned to appear before your Honor at
the next term of the circuit court of Lee County
to try the conflicting Claim of your Petitioner to
the property herein Specified— and that your
Hon will make all other Necessary orders and
Regulations in said case that may be proper & legal
for the investigations of his said title to said property— And
your petitioner as in duty bound will ever pray &c

October 21st 1858

John Roach
by Atto

Va. Scott County Court

This day John Roach made oath before
me the undersigned justice that the facts set forth in
the foregoing petition are true to the best of his Knowle-
-dge & belief. Given under my hand and seal this
21st day of October 1858

William Gray J.P. Seal

John Roach
vs
Slamp & Gilley

upon the petitioners giving bond in the penalty of $200 Conditioned according to law. The Clerk will issue a Summons causing John Roach ~~Clerk~~ Henry C. Slamp & Joseph Gilley to appear before the Circuit Court of Lee on the first day of the next term, to try the right to the one third of the Coal in this petition mentioned as having been seized on by the Sheriff - And in the meantime the sale of the one third is suspended -

Chas. J. Fulton
21. Octo 1858
C. C. Lee

Know all Men by these Presents, That we John Roach and Henry S. Morgan

are held and firmly bound unto Henry C Slemp & Joseph Gilly to be

in the sum of Two hundred dollars

paid unto the said Henry C Slemp & Joseph Gilly

executors, administrators or assigns, for the true payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 23rd day of October 1858.

THE CONDITION of the above obligation is such, that whereas, the above bound John Roach

hath obtained from the Judge

a ~~supersedeas~~ suspension to a decree pronounced by the ~~Circuit~~ Lunenburg County Court for the County of Lee, on the

day of August 1858, in a cause in which Henry C. Slemp for the benefit of

Joseph Gilly was plaintiff and William J. Dale & Legg were

defendants

NOW IF THE SAID John Roach

shall well and truly perform and satisfy the said decree, in case the same shall be affirmed, or the ~~supersedeas~~ suspension be dismissed, and also pay all such damages, costs and fees which may be awarded against him then this obligation to be void, otherwise to remain in full force.

John Roach {SEAL.}

H J Morgan {SEAL.}

John Roach
to } Bond
H. C. Slamp & Joseph
Eiley